



# 2021 ANNUAL REPORT CHICAGO POLICE BOARD





# MESSAGE FROM THE PRESIDENT

The unprecedented crises that arose in 2020, including the COVID-19 pandemic and higher levels of violent crime in many communities, continue to challenge the people of Chicago and the nation. Progress has been made on several fronts, but much work remains to be done. The members of the Police Board and I believe we can make the most difference by ensuring effective police accountability, making our work visible to the public and providing meaningful opportunities for community input on police-related issues. I am pleased to present this report of the Board's work in 2021.

The Board builds public confidence in the accountability system by serving as an impartial decision maker in the most serious police disciplinary cases, performing this duty with independence and openness. These cases range from highly visible charges of unjustified police-involved shootings to other less visible yet still significant allegations of misconduct. The role of the Board, like that of a court of law, is to undertake a thorough review of the evidence in each case and render a fair, unbiased decision. The Board has continued to hear cases during the COVID-19 pandemic; several hearings have been conducted via Zoom, and all hearings are open to the public. All decisions are written to explain the Board's reasoning, announced at open meetings, and posted immediately on our website. You will find in the following pages detailed information and statistics on the Board's decisions in 2021.


The Board's monthly public meetings, which are carried live by CAN-TV, provide an important forum for discussion of police-related issues. The Superintendent of Police and the Chief Administrator of the Civilian Office of Police Accountability provide detailed reports each month, and the Board has had a variety of community-based policing experts give presentations. (A list of the 2021 presentations appears in the Community Engagement section below). And the communication is not just one-way—significant time is set aside at every meeting for members of the public to raise questions and offer comments. A diverse array of community members spoke at these meetings in 2021, with speakers voicing concerns about police conduct and proposing initiatives to address crime. The Board documents and tracks community input and Police Department follow-up to ensure responsiveness to the community's issues of concern.

The Board has continued to make significant progress in implementing requirements of the Consent Decree on policing in Chicago. I am pleased to report that the Independent Monitor recently found the Board to be in full compliance with the requirements of eight of the twelve paragraphs for which the Board is responsible. In addition, the Board has met preliminary compliance with one paragraph, and we will continue to work closely with the Monitor to meet the requirements of the three paragraphs on training for Board members. The Monitor's latest report and other information on the Consent Decree are posted on the Board's website.

In addition to deciding police disciplinary cases, the Board is now considering appeals by applicants for a probationary police officer position who have been removed from the Chicago Police Department's eligibility list due to the results of a background investigation. We received the first appeals in late July and have issued several decisions. See below for more information.

There were several changes to the Board's membership in 2021. We thank John O'Malley, Rhoda Sweeney, and Matt Crowl for their many years of invaluable service on the Board, and we welcome new Board Members Nanette Doorley, Steven Block, and Mareilé Cusack.

The members of the Police Board are a diverse group of Chicagoans who devote a significant amount of time and effort to their public responsibilities. We all live in the City and therefore have a stake in making sure that all Chicagoans receive the most constitutional, respectful, effective, and professional police protection and service possible. My colleagues on the Board, our staff, and I remain committed to performing our duties with independence, integrity, and fairness to all involved. We are grateful for the honor of serving the people of Chicago.

Sincerely,  
  
Ghian Foreman  
President  
Chicago Police Board

# MEMBERS OF THE POLICE BOARD

The members of the Police Board are Chicago residents appointed by the Mayor with the advice and consent of the City Council.



**GHIAN FOREMAN**

**PRESIDENT**

President and CEO, Emerald South  
Economic Development Collaborative  
Joined Board on June 30, 2010  
Current Term Expires on August 10, 2023



**PAULA WOLFF**

**VICE PRESIDENT**

Director, Illinois Justice Project  
Joined Board on June 27, 2018  
Current Term Expires on August 10, 2024



**STEVEN A. BLOCK**

Partner, Thompson Hine LLP  
Joined Board on December 15, 2021  
Current Term Expires on August 10, 2024



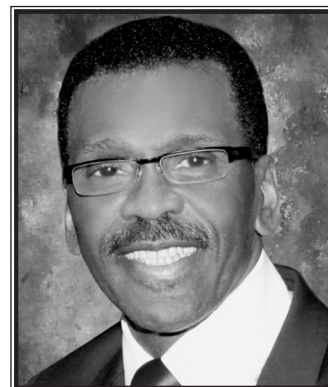
**MAREIL  B. CUSAK**

Sr. Vice President & General Counsel,  
Ariel Investments LLC  
Joined Board on December 15, 2021  
Current Term Expires on August 10, 2023



**NANETTE DOORLEY**

Retired FBI Special Agent  
Joined Board on July 21, 2021  
Current Term Expires on August 10, 2024



**REV. MICHAEL EADDY**

Pastor, People's Church of the Harvest  
Joined Board on February 5, 2014  
Current Term Expires on August 10, 2023



**STEVE FLORES**

Partner, Winston & Strawn LLP  
Joined Board on November 1, 2016  
Current Term Expires on August 10, 2022



**JORGE MONTES**

Principal, Montes & Associates PC  
Joined Board on January 15, 2020  
Current Term Expires on August 10, 2022



**ANDREA L. ZOPP**

Managing Partner, Cleveland Avenue LLC  
Joined Board on November 21, 2017  
Current Term Expires on August 10, 2022

*\*The Police Board members serve in their individual capacities and not as representatives of any entity by which they are employed.*



# POWERS AND RESPONSIBILITIES

The Police Board derives its authority from city ordinance and state law. The Board's primary powers and responsibilities are listed below.

## The Police Board:

- Decides disciplinary cases when the Superintendent of Police files charges to discharge a sworn officer from the Chicago Police Department.
- Rules on matters in which the Chief Administrator of the Civilian Office of Police Accountability and the Superintendent of Police do not agree regarding discipline of an officer.
- Decides appeals by applicants to become a Chicago police officer who have been removed from the eligibility list due to the results of a background investigation.
- Decides appeals by persons seeking removal of status identification from the Chicago Police Department's Criminal Enterprise Information System.
- Adopts the rules and regulations governing the Police Department.
- Holds monthly public meetings that provide a forum for community discussion of police-related issues.





# DISCIPLINARY MATTERS

## Summary of the Disciplinary Process

The process for addressing allegations of misconduct by sworn officers of the Chicago Police Department (CPD) is carried out by several independent City agencies, each of which has a different role. This section summarizes how complaints of misconduct are received and investigated, and then describes the role of the Police Board.

The Civilian Office of Police Accountability (COPA), CPD, and the Police Board have different powers and duties. The responsibility to receive complaints of alleged misconduct by sworn officers rests with COPA (any member of the public who has a complaint about the conduct of a Chicago police officer should file it with COPA—go to [ChicagoCOPA.org](http://ChicagoCOPA.org) for more information). Depending on the nature of the allegations, either COPA or CPD investigates the complaint; in certain instances, alleged misconduct is investigated by the City’s Office of Inspector General (OIG).

At the conclusion of an investigation, and once the Superintendent files charges, the Police Board’s role is to decide those disciplinary cases that are filed with the Board. The Board cannot on its own reach out and investigate or hold a disciplinary hearing against a police officer suspected of misconduct; rather, the Board can take action only after the Superintendent of Police files charges against an officer. The Board understands the concerns and frustrations that people may have about police misconduct, but is legally obligated to remain neutral and fair, just as is expected of a judge in court.

### 1. A Complaint is Received and Investigated

As noted above, COPA is responsible for receiving all complaints of alleged misconduct made against an officer. In addition to a member of the public filing a complaint, CPD personnel, including supervisors, may file a complaint against an officer.

Once a complaint is received, an investigation is initiated. COPA is responsible for conducting investigations into allegations of the following types of misconduct:

- excessive force,
- domestic violence,
- coercion,
- bias-based verbal abuse,
- improper search or seizure, and
- unlawful denial of access to counsel.

COPA also investigates certain incidents even if no allegation of misconduct has been made, including all incidents where: (a) a CPD member discharges a firearm in a manner that could potentially strike someone, or discharges a stun gun or taser in

a manner that results in death or serious bodily injury; and (b) a person dies or sustains a serious bodily injury while detained or in police custody, or as a result of police actions.

All complaints concerning types of alleged misconduct other than those within COPA’s jurisdiction are referred to CPD’s Bureau of Internal Affairs (BIA) for investigation. Allegations investigated by BIA include but are not limited to criminal misconduct, operational violations, theft of money or property, planting of drugs, substance abuse, residency violations, and medical-roll abuse. As noted above, in certain instances alleged misconduct is investigated by OIG rather than COPA or BIA.

### 2. Decision Regarding Disciplinary Action

If the head of COPA, BIA, or OIG (depending on which agency conducted the investigation) recommends that one or more allegations be sustained—that is, the allegation is supported by substantial evidence—a recommendation for discipline is submitted to the Superintendent of Police.

The Superintendent must respond to a disciplinary recommendation from COPA within 60 days (this deadline may be extended by an additional 30 days). If the Superintendent proposes no discipline or less discipline than COPA, the Superintendent and the Chief Administrator of COPA must meet to discuss the matter. If the Chief Administrator and the Superintendent do not reach agreement regarding the recommendation for discipline, the Chief Administrator shall refer the matter to one member of the Police Board.

The reviewing Police Board member shall then rule on the disagreement between the Chief Administrator and the Superintendent. If, in the opinion of the reviewing member, the Superintendent’s response does not meet its burden of overcoming the Chief Administrator’s recommendation for discipline, the recommendation shall be deemed to be accepted by the Superintendent. The reviewing member must recuse her/himself from any future involvement with such case by the full Police Board.

### 3. The Police Board’s Role

Think of the Police Board like a court. The Police Board’s role in the disciplinary process is to decide whether charges brought against an officer are proved by a preponderance of the evidence, and if so, to determine the severity of the discipline that will be imposed against an officer. Whether a case comes to the Police Board depends on the seriousness of the potential discipline recommended.

**Discharge Cases.** In order to discharge a sworn officer from the



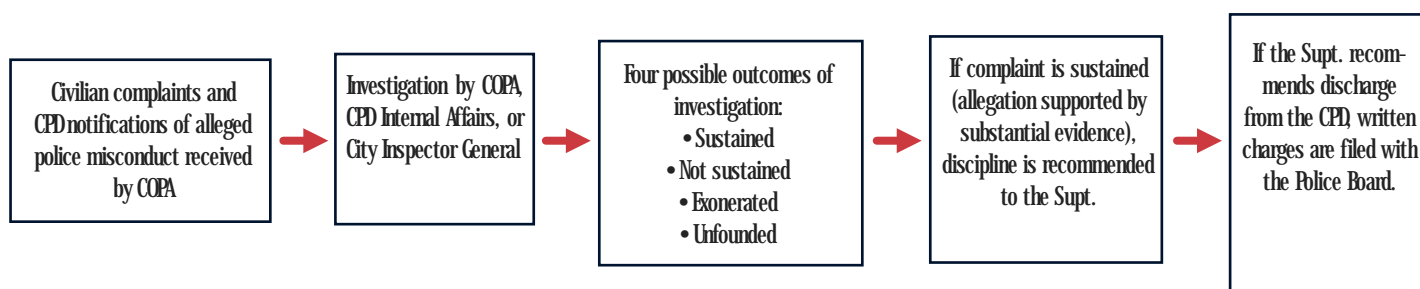
Chicago Police Department, the Superintendent must file with the Board charges against the officer. The case is assigned to a hearing officer, who presides over an evidentiary hearing that is similar to a trial in court. Attorneys for the Superintendent and the accused officer have an opportunity to present evidence and cross-examine witnesses, and the hearings are open to the public. The typical case begins with opening statements. The Superintendent's case against the officer is presented first. The officer, usually represented by an attorney, may then present evidence in defense and mitigation. Each party may call and examine witnesses under oath (the Board has its own subpoena power to ensure the presence of witnesses). Hearsay evidence is not admissible. Following the officer's case, the Superintendent's attorney has an opportunity to offer rebuttal evidence. The hearing concludes with closing arguments.

Once the hearing is completed, the members of the Board thoroughly review the evidence and then decide, by majority vote, whether the officer is guilty of one or more of the charges. The

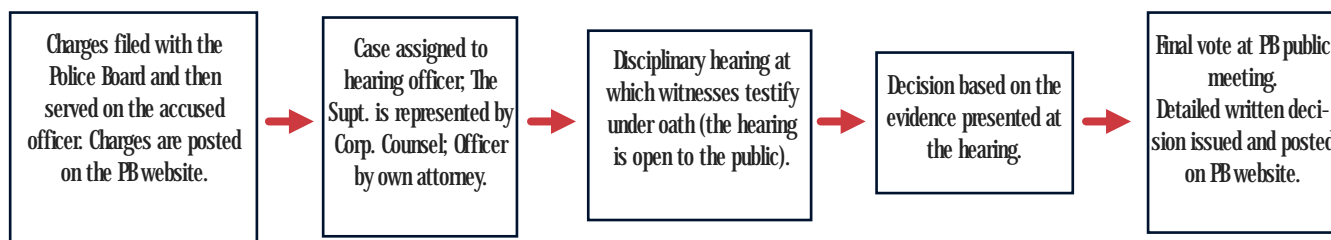
Superintendent has the burden to prove the charges by a preponderance of the evidence (a less rigorous standard than the beyond-a-reasonable-doubt standard used in criminal cases). If the Board finds the officer guilty of one or more charges, it determines the discipline after considering any evidence presented in mitigation or aggravation. The discipline may be discharge or less severe action, such as a suspension without pay (in certain types of cases the Board may attach conditions to a suspension, such as treatment for substance abuse). If the Board finds the officer not guilty of all charges, the officer is restored to duty and awarded back-pay for the time served under suspension (the officer is ordinarily suspended without pay when the charges are filed). The Board publicly votes on the case at one of its monthly meetings. The written decision is posted on the Board's website.

**Suspension Cases.** Under the current union contracts, the Police Board has jurisdiction over suspension cases only if a police officer requests Police Board review of a suspension.

## How does a case reach the Police Board?



## How does the Police Board decide cases?





# Reviews of Disciplinary Recommendations Under the COPA Ordinance

As noted above, when the Chief Administrator of COPA and the Superintendent of Police do not agree regarding discipline of a Department member, the Chief Administrator shall refer the matter to one member of the Police Board. The reviewing Board member shall then rule on the disagreement between the Chief Administrator and the Superintendent, as follows:

- If, in the opinion of the reviewing Board member, the Superintendent's response does not meet its burden of overcoming the Chief Administrator's recommendation for discipline, the

Chief Administrator's recommendation shall be deemed to be accepted by the Superintendent.

- If, in the opinion of the reviewing Board member, the Superintendent met the burden to overcome the Chief Administrator's recommendation for discipline, the Superintendent's response shall be implemented.

The tables below show the outcomes of reviews referred in 2021 and over the past five years.

Referred for Review in 2021		
Chief Administrator's	Reviewing Member	Reviewing Member
<u>Recommendation for Discipline</u>	<u>Ruled for Chief Administrator</u>	<u>Ruled for Superintendent</u>
Discharge from CPD	4	1
Suspension more than 30 days	4	1
Suspension 11 - 30 days	4	2
Suspension 1- 10 days	1	0

Referred for Review in 2017 - 2021		
Chief Administrator's	Reviewing Member	Reviewing Member
<u>Recommendation for Discipline</u>	<u>Ruled for Chief Administrator</u>	<u>Ruled for Superintendent</u>
Discharge from CPD	15	2
Suspension more than 30 days	8	1
Suspension 11 - 30 days	8	5
Suspension 1 - 10 days, Reprimand, or Violation Noted	2	12



# Discharge Cases

## Cases Filed by the Superintendent

In 2021, the Superintendent filed charges against 25 sworn officers recommending they be discharged from the Chicago Police Department. The table below shows the data on charges filed over the past five years, broken out by the agency that conducted the investigation.

Discharge Cases Filed, 2017-2021				
# of officers charged by the Superintendent				
Year	IPA/COPA	BIA	OIG	Total
2017	8	8	0	16
2018	8	5	0	13
2019	8	9	0	17
2020	10	5	0	15
2021	17	6	2	25
<b>Total</b>	<b>51</b>	<b>33</b>	<b>2</b>	<b>86</b>



## Cases Decided by the Police Board

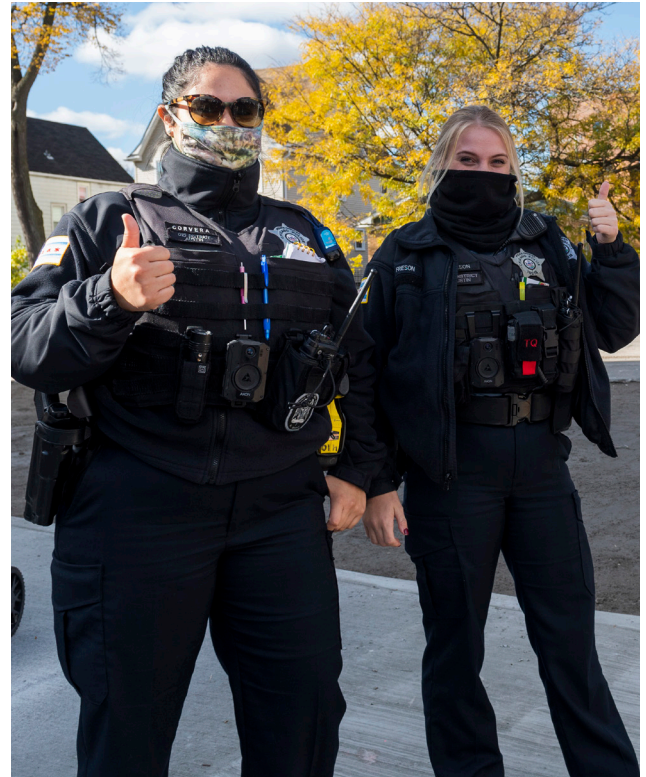
In 2021, the Police Board decided or otherwise disposed of cases involving 14 officers that the Superintendent recommended be discharged from the Chicago Police Department, as shown in the table below.

Discharge Cases Decided, 2021	Number of Officers:				
Primary Charges (Investigation)	Guilty & Discharged	Guilty & Suspended	Not Guilty	Settlement: Suspended	Resigned*
Excessive Force-On Duty (COPA)	0	0	1	0	1
Other On-Duty Misconduct (COPA)	1	0	0	0	1
Domestic Altercation-Off Duty (COPA)	0	0	0	0	0
Other Off-Duty Misconduct (COPA)	1	0	0	1	0
Drug/Alcohol Abuse (BIA)	0	0	0	0	0
Bribery/Official Corruption (BIA)	0	0	0	0	1
Commission of a Crime (BIA)	1	0	0	0	1
Conduct Unbecoming--Off Duty (BIA)	0	0	0	0	0
Operation/Personnel Violations (for example, false reports, medical roll, insubordination, residency) (BIA or OIG)	0	1	0	0	0
Other (BIA)	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>
*The respondent resigned prior to a hearing rather than contest the charges, and the charges were therefore withdrawn.					

Over the past five years, the Police Board has decided or otherwise disposed of discharge cases involving 78 officers. See the table below for the outcomes of these cases.



Discharge Cases Decided, 2017-2021			
	#Off- cers	% of Cases to a Hearing	% of All Cases
<b>Cases to a Hearing</b>			
Guilty, Discharged	32	65.3%	41.0%
Guilty, Suspended	10	20.4%	12.8%
Not Guilty	6	12.2%	7.7%
Charges Dismissed	1	2.0%	1.3%
Total	49	100.0%	62.8%
<b>Resolved Prior to Hearing</b>			
Resigned from CPD	23		29.5%
Settlement	1		1.3%
Other	5		6.4%
Total	29		37.2%
<b>Grand Total</b>	<b>78</b>		<b>100.0%</b>



## Suspension Cases

In 2020, new contracts with unions representing CPD supervisors took effect that changed the Board's jurisdiction to hear suspension cases. The Board now has jurisdiction over a suspension

case only if an officer below the rank of sergeant requests Police Board review of a suspension. No such requests were filed in 2021, and the Board decided no suspension cases in 2021.







## Amount of Time to Bring Charges and Decide Cases

As noted above, once a complaint of alleged misconduct is received, it is investigated by COPA, BIA, or OIG and then reviewed by the Superintendent. If the recommended discipline is to discharge the officer from the CPD, the Superintendent files charges with the Board. The Board will then hold an evidentiary hearing and decide the case.

The table below presents data on the average amount of time it takes to bring charges and to decide cases. The information below is for the 5 cases that the Board decided in 2021 following a full evidentiary hearing (3 of these cases were investigated by COPA and 2 by BIA).

POLICE BOARD CASES DECIDED IN 2020		
	Median # of Days (5 cases)	Mean # of Days (5 cases)
<b>Investigation and Review</b>		
From date of incident to filing of charges with Police Board	1134 (3.1 years)	1549 (4.2 years)
From date complaint received by investigating agency (COPA, BIA, or OIG) to filing of charges with Police Board	1134 (3.1 years)	1546 (4.2 years)
<b>Police Board</b>		
From filing of charges with Police Board to 1st day of Police Board hearing	267 (8.8 months)	299 (9.8 months)
From filing of charges with Police Board to Police Board decision	345 (11.3 months)	387 (12.7 months)
<b>Entire Process</b>		
From date of incident to Police Board Decision	1479 (4.1 years)	1936 (5.3 years)
From date complaint received to Police Board Decision	1479 (4.1 years)	1933 (5.3 years)



# Appeals of Police Board Decisions

Under Illinois law, the parties to a Police Board disciplinary case (the Superintendent and the accused officer) have the right to appeal the Board's final decision by filing a petition for administrative review in the Circuit Court of Cook County. A party dissatisfied with the Circuit Court's review of a Police Board case may appeal to the Appellate Court of Illinois.

The sections below provide data on suits in administrative review during 2021, and historical data on appeals filed since 2017. As noted above, a particular case may be reviewed at several levels; in addition, court rulings may cause the Board to issue more than one decision in the same case. The data on court decisions in the sections below pertain to final court decisions regarding the

Board's original decision. (A court decision is considered final when the time limit for filing an appeal has expired and no appeal has been filed.)

In 2021, 2 Police Board decisions were appealed to the Circuit Court of Cook County (both by the accused officers), and 5 Circuit Court decisions were appealed to the Illinois Appellate Court (all by the accused officers).

Courts issued final decisions regarding 2 Police Board decisions in 2021. In both of these cases, the court affirmed the Board's original decision.

Appeals Filed Since January 1, 2017					
PB Decisions Upheld*	% Upheld	PB Decisions Reversed	% Reversed	PB Cases Pending Final Court Decision**	Total PB Decisions Appealed
13	100.0%	0	0.0%	9	22
* Police Board decision affirmed or appeal dismissed.					
** Cases (1) currently before a court, or (2) for which the time limit for appealing a court decision has not yet expired.					
Data as of December 31, 2021					





# CONSENT DECREE

On January 31, 2019, the U.S. District Court approved a Consent Decree between the State of Illinois and the City of Chicago. The goals of the Consent Decree include ensuring lawful and constitutional policing, building trust between police officers and the communities they serve, promoting community and officer safety, and providing CPD members with the resources and support they need. To achieve these goals, the Consent Decree “requires changes in the areas of community policing; impartial policing; crisis intervention; use of force; recruitment, hiring, and promotions; training; supervision; officer wellness and support; accountability and transparency; and data collection, analysis, and management.” (Consent Decree, page 1.)

In 2021 the Board continued to make significant progress in implementing reforms in the areas of police accountability and

transparency. The Independent Monitor of the Consent Decree found the Board to be in full compliance with the requirements of eight of the twelve paragraphs for which the Board is responsible. In addition, the Board has met preliminary compliance with one paragraph, and will continue to work closely with the Monitor to meet the requirements of the three paragraphs on training for Board members.

The table below summarizes the Monitor’s findings from its October 8, 2021, report. This report and other information on Consent Decree requirements pertaining to the Police Board are available on the Board’s website.

Paragraph #	Subject	Monitor's Findings
533	Hearing Officer Selection Criteria	Full Compliance
534	Disciplinary Hearings: Hearing Officer Presiding and Video Recording	Full Compliance
535	Disciplinary Hearings: Review of Record and Hearing Officer Report	Full Compliance
536	Disciplinary Hearings: Accused Officer's Disciplinary File	Full Compliance
537	Attendance at Public Meetings	Full Compliance
538	Community Input at Public Meetings	Full Compliance
539	Disciplinary Hearings: Discovery	Full Compliance
540-542	Training for Board Members and Hearing Officers	Preliminary Compliance Under Assessment
555	Data on Decisions in Disciplinary Cases	Preliminary Compliance
565	Quarterly Meetings with COPA and Public Safety Inspector General	Full Compliance





## CPD APPLICANT APPEALS

The Police Board is now responsible for deciding appeals by applicants for a probationary police officer position who have been removed from the eligibility list due to the results of a background investigation (this responsibility was formerly carried out by the City's Human Resources Board). The Police Board worked to design an appeal process, promulgate rules for its implementation, and responded to suggestions for modification.

All appeals are heard by an independent appeals officer, presented to the Police Board, and considered on an individual basis informed by the facts in the case. The Police Board decides each appeal by either affirming the disqualification decision or by reversing it and reinstating the applicant to the eligibility list. The written decisions are available on the Police Board's website.

In 2021, the City's Office of Public Safety Administration, which administers personnel matters for the Chicago Police Department, notified 60 applicants that they had been removed from the eligibility list due to the results of a background investigation and had the right to appeal the disqualification decision to the Police Board. The Police Board received appeals from 8 of these disqualified applicants (13%).

The Board decided 4 appeals in 2021, as summarized in the table below. (Three appeals were pending as of December 31, 2021; one appeal became moot because OPISA responded to the appeal by reinstating the applicant to the eligibility list before the Board considered the appeal.)

CPD Applicant Appeals Decided, 2021		
	Disqualification Decision	
Primary Reason for Disqualification	Affirmed	Reversed
Conduct Indicating Violent Tendencies	2	0
Criminal Conduct Involving Drugs	1	0
Driving Record (for example, DUI, reckless driving)	1	0
<b>Total</b>	<b>4</b>	<b>0</b>



## CPD CEIS APPEALS

In November 2021 the City Council passed an ordinance granting the Police Board the power to consider appeals by persons seeking removal of status identification from the Chicago Police Department's Criminal Enterprise Information System ("CEIS"). The ordinance also grants the Board the authority to make rules for handling these appeals.

The Board plans to provide in 2022 several opportunities for members of the public and community organizations to ask questions about and comment on the design and implementation of an appeals process.



## COMMUNITY ENGAGEMENT

The Board holds a public meeting each month. The meetings have been held via Zoom during the COVID-19 pandemic, and are livestreamed and televised by CAN-TV. Meetings take place in the evening, and all members of the public are invited to attend and are welcome to address questions or comments to the Board. City officials, including the Superintendent of Police and the Chief Administrator of the Civilian Office of Police Accountability, are in attendance. A diverse array of community members spoke at these meetings in 2021, with speakers voicing concerns about police conduct and proposing initiatives to address crime. The Board documents and tracks community input and Police Department follow-up to ensure responsiveness to the community's issues of concern. In addition, the meetings provided a forum for discussion of a variety of important issues. Below is a list of presentations at the meetings during 2021:

- Chicago Neighborhood Policing Initiative, by Professor Andrew Papachristos from Northwestern University
- Mental Health and Officer Wellness, by Alexa James, CEO of the National Alliance on Mental Illness Chicago, and Senior Advisor to the Chicago Police Department
- Re-imagining Public Safety and Policing, by Arne Duncan, co-founder of Chicago CRED

- Chicago's Public Safety Initiatives, by Deputy Mayor for Public Safety John O'Malley Jr.
- Chicago Police Department Foot-Pursuit Policy, by Lieutenant Michael Kapustianyk from the CPD Research and Development Division
- Mayor's Executive Order "Access to Information Regarding Alleged Police Misconduct" by Angie Weis Gammel, Mayor's Senior Advisor for Public Safety
- Contract with the Fraternal Order of Police, by Cicely Porter, Chief Labor Negotiator for the City of Chicago

The Board maintains a website at [Chicago.gov/PoliceBoard](https://chicago.gov/PoliceBoard). The site provides the public with transcripts and videos of the public meetings, the Board's decisions in police disciplinary cases, a schedule of cases currently before the Board, a guide to the disciplinary process, the rules and regulations governing the Police Department, and other material.

The president of the Board frequently meets with members of the community and is available to the media to provide information on the Board's operations and the disciplinary process.

## PERSONNEL & BUDGET

Executive Director Max A. Caproni serves as the Board's secretary and administers the operations of the Board. Jazmyne Rollins serves as executive administrative assistant. The Board's hearing officers, experienced attorneys who preside over disciplinary hearings, serve the Board on an hourly basis.

The Police Board's budget is proposed by the Mayor and approved by the City Council as part of the annual appropriation ordinance. The appropriation was \$564,945 for 2021.





For further information please contact:

## Chicago Police Board

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